

Minutes of Regular Meeting of March 12, 2013

One Twin Pines Lane, Belmont, CA and Buffalo Marriott Niagara 1340, Millersport Highway, Amherst, New York 14221 (Teleconference location of Councilmember Lieberman)

CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman (via teleconference), Braunstein, Warden, Wozniak

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Fire Chief Keefe, Deputy Fire Chief Gaffney, Community Development Director de Melo, Police Chief DeSmidt, Finance Director Fil, Deputy Finance Director Lazzari, Public Works Director Oskoui, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Councilmember Lieberman.

SPECIAL PRESENTATIONS

Proclamation Declaring Red Cross Month

Mayor Wozniak presented the proclamation

Ruthellen Harris, on behalf of the Red Cross, thanked Mayor Wozniak for the proclamation and announced two upcoming events being sponsored by the Red Cross: Heroes Breakfast and Save a Life Saturday.

Proclamation Celebrating Earth Hour (March 23)

Mayor Wozniak read the proclamation and noted that the first Earth Hour was celebrated in Sydney, Australia in 2007.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Carol Rossi, Belmont resident, commented regarding the Closed Session to be held following tonight's Regular City Council meeting. She recommended that the public be advised of the outcome of that closed session.

Jeannette Sacco-Belli, Belmont resident, requested that the public be given an opportunity to comment regarding the offer that was made on City-owned property in the San Juan Canyon.

Markle Addis, Belmont resident/Ralston student, expressed concerns regarding ongoing issues at Ralston Middle School that are not being addressed. He indicated that he has heard rumors about teachers being fired. He noted that he has not seen the School Resource Officer this school year.

Aileen Turner, Belmont resident, stated that there is confusion regarding the pending Closed Session.

Elsa Schafer, Belmont resident, announced an upcoming choral concert to be held at Carlmont High School.

Perry Kennan, Belmont resident, expressed his disappointment that the Closed Session would be held following tonight's meeting and sought clarification as to when the report of any actions taken would be made in public. He pointed out that the City Council did not give good direction at the last meeting relative to the sewer lateral issue, and that it is unclear how much of a problem sewer laterals are for the city. He commented regarding the dysfunctionality of the City Council.

Mayor Wozniak responded that the City Council has requested information from staff relative to sewer laterals as noted by Mr. Kennan.

City Attorney Rennie described how Closed Session reports are made for the public record. He indicated that a report can be made following tonight's Closed Session.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wozniak announced that the San Mateo County Transit Authority was seeking volunteers for its Citizen's Advisory Committee.

AGENDA AMENDMENTS

Councilmember Warden recommended amending the agenda to consider the Commission Appointments immediately following the Consent Agenda. Council concurred.

Councilmember Warden recommended cancelling the Closed Session scheduled following tonight's regular meeting. He noted that it is unusual to hold Closed Session at the end of the meeting.

City Attorney Rennie explained that the offer regarding the property which is the subject of the Closed Session expires in two days. He clarified why property negotiations are handled in Closed Session since there is a need to give authority to the property negotiator.

Councilmember Feierbach stated that she was unaware of the short-term nature of the offer.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special and Regular Council Meeting of February 12, 2013, Regular Belmont Fire Protection District Meeting of February 12, and Special Meeting (Commission Interviews) of February 19, 2013

Motion to Cancel Regular City Council Meeting of Tuesday, March 26, 2013

Acceptance of Informational Report on Successor Agency Activities

Approval of Resolution 2013-027 of the City Council Authorizing a Sewer Connection Charge of \$1,750 for 3405 Bartlett Way

Approval of Resolution 2013-028 of the City Council Authorizing a Service Agreement With HIP Housing to Provide Housing Services to Belmont Residents for Fiscal Year's 2013 and 2014 for an amount not to exceed \$5,000 Per Fiscal Year

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved, as amended, by a roll call vote.

ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Motion to Receive Monthly Financial Reports

Perry Kennan, Belmont resident, pointed out that this month's report differs from previous months' financial reports. He expressed his desire for a staff report and suggested that qualifying comments could have been included in the report to explain the difference.

Finance Director Fil clarified that staff wanted to be able to include transfers in the monthly financial reports.

Mayor Wozniak pointed out that the City of Belmont has more oversight on its financials than other cities.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Warden, and unanimously approved by roll call vote to receive the Monthly Financial Reports.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Appointments to Planning, Parks and Recreation, and Finance Commissions (Item taken out of order on agenda)

City Clerk Cook stated that she was prepared for multiple rounds of balloting. She recommended that since the only candidates for Finance Commission were the two incumbents, the City Council could dispense with balloting and could reappoint those candidates by motion.

City Clerk explained the balloting process and noted that the ballots are public documents.

Discussion ensued regarding how the balloting would be handled with Councilmember Lieberman participating from his remote location. Council concurred that Councilmember Lieberman would cast a verbal vote after the other Councilmembers had filled out their paper ballots.

Councilmember Lieberman commented regarding the high quality of candidates.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, Resolution 2013-029 Appointing Thomas McCune and Joyce Montgomery to three-year terms on the Finance Commission was unanimously approved by roll call vote.

City Clerk Cook distributed ballots for the Parks and Recreation Commission Youth seats and noted there were two positions available. She announced that the first round of ballots resulted in Sofie Fox receiving five votes, with neither of the other candidates received three or more votes. Both the second and third round of ballots resulted in a tie vote.

Council concurred to table the appointment of a candidate to the second youth seat on the Parks and Recreation Commission to a future date.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, Resolution 2013-030 Appointing Sofie Fox to a one-year term on the Parks and Recreation Commission (Youth) was unanimously approved by roll call vote.

City Clerk Cook distributed ballots for the Parks and Recreation Commission Adult seats and noted there were four positions available. She announced that the first round of ballots resulted in Susan Wright receiving five votes and Craig Michaels receiving four votes. She noted that there was a three-way tie among three candidates, and another candidate received two votes. Round two of balloting resulted in Rich Bortoli receiving four votes and two other candidates tied with three votes each. She announced that the third round of balloting resulted in Thea Runyan receiving three votes, with another candidate receiving two votes.

ACTION: On a motion by Mayor Wozniak, followed by Councilmember Warden, Resolution 2013-031 Appointing Susan Wright, Craig Michaels, Rich Bortoli and Thea Runyan to two-year terms on the Parks and Recreation Commission (Adult) was unanimously approved by roll call vote.

City Clerk Cook distributed ballots for the Planning Commission and noted that there were two positions available. She announced that the first round of ballots resulted in Amy Goldfarb receiving four votes and two other candidates tied with three votes each. Round two of balloting resulted in Karin Hold receiving three votes and another candidate receiving two votes.

ACTION: On a motion by Councilmember Warden, seconded by Mayor Wozniak, Resolution 2013-032 Appointing Amy Goldfarb and Karin Hold to three-year terms on the Planning Commission was unanimously approved by roll call vote.

OTHER BUSINESS

Consideration of Options Regarding the City-Owned San Juan Hills Properties - 35 Acres

Community Development Director de Melo described the City-owned properties in the San Juan Hills area. He explained that a loan from the City's Fleet Fund used to purchase these properties would need to be repaid, which could be accomplished by developing or selling lots. He pointed out that any developer would need to meet the San Juan Hills Area Plan development standards. He outlined the options for the City Council's consideration. He stated that the City Council could direct that the open space be designated

as public or private, and he explained the difference. He also explained how the public could access the open space without affecting private property owners.

Discussion ensued regarding slope density regulations and their affect on the creation of three parcels.

Community Development Director de Melo pointed out that the size of the three lots at nearly 20,000 square feet would be substantially larger than many of the surrounding properties. He clarified that Option 2 provides that the City would prepare the tentative parcel map which could add additional cost to the City. He noted that Option 3 provides for an exclusive negotiating agreement with a potential developer, which was the previous direction of the City Council. He stated that direction is needed regarding the disposition of the Marsten Avenue properties.

Discussion ensued.

Jeannette Sacco-Belli, Belmont resident expressed her support for Option 1 (sale of Bishop Road properties with conditions), and stated that she does not support Option 3. She recommended that only non-interested agents be considered.

Valerie Dohrenwend, Belmont resident, pointed out that a lack of sales inventory in recent years has resulted in an increase in home prices and multiple offers being received. She noted that other Bishop Road properties are currently on the market.

Michael Schmitz, San Mateo resident, expressed support for Option 1. He pointed out that Option 2 would cost more for the City, and he does not support Option 3.

Rumana Jabeen, San Mateo resident, expressed support for Option 1. She recommended selling one lot at a time and hiring a disinterested real estate agent.

Perry Kennan, Belmont resident, expressed support for Option 1 or 2, and he does not support Option 3. He also does not support selling the Marsten Avenue property.

Aileen Turner, Belmont resident, expressed a desire to provide access to the public land and noted that she has a vested interest in trails. She expressed support for selling only those properties that are

necessary to pay back the loan and to dedicate the remainder as open space. She noted that Option 2 might increase the value of the property.

Carol Rossi, Belmont resident, stated that Belmont voters have always supported open space. She recommended that the City Council consider Option 1 or Option 2, and to use an agent with no vested interest. She also suggested a stipulation for a maximum development of three lots with the remainder of the property dedicated to open space with access.

Councilmember Warden pointed out that if the loan proceeds are satisfied with the sale of property on Bishop Road, there would be no need to consider the Marsten Avenue properties.

Councilmember Feierbach expressed support for selling eight acres on Bishop Road, with a maximum of three lots to be developed on two acres. She also supports a public easement in perpetuity for the remainder of the open space. She noted that a potential buyer could donate land for tax purposes. She concurred that the real estate agent should be a disinterested third party.

City Attorney Rennie clarified that a buyer could get a tax write-off only if the property is a gift, not as part of a condition of sale.

Councilmember Warden expressed support for Option 1. He stated that the best agent should be used regardless of their connection to the City. He also stated that a process is needed for hiring an agent, and requested that the City Council be involved in that decision. He stated that he does not support private open space.

City Manager Scoles suggested that the City Council designate a subcommittee for the selection of an agent. Councilmember Warden offered to be on the subcommittee.

Councilmember Lieberman expressed a desire for the City Council to adopt a resolution dedicating the non-Bishop Road and Marsten Avenue properties as open space. He stated that he prefers Option 1 but could support Options 2 or 3 if necessary. He stated that a professional agent is needed, and he supports the subcommittee process. He would like public access to Sugarloaf Mountain. He expressed his preference that Marsten Avenue not be developed if enough proceeds are realized through the sale of property on Bishop Road.

Councilmember Braunstein expressed support for Option 1. He pointed out that the intent is to preserve open space and provide access. He concurred that the remainder of the properties be dedicated as open space, and supports the formation of a subcommittee. He would like to recoup the loan proceeds as close as possible.

Mayor Wozniak expressed support for Option 1 and to dedicate the remainder of the property as public open space. She too expressed a desire to recoup the loan through the sale of the Bishop Road properties only. She expressed an interest in exploring options for the remaining properties, including the potential for transferring density to downtown. She stated she supports a maximum of three lots on Bishop Road, and the formation of a subcommittee.

Councilmembers Feierbach and Lieberman expressed interest in serving on the subcommittee.

Mayor Wozniak suggested appointing Councilmembers Warden and Feierbach to the subcommittee, with Councilmember Lieberman as the alternate. Council concurred.

Councilmember Warden stated that he supports designating the other properties as open space and he does not support transferring density rights.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Feierbach, and unanimously approved by a roll call vote to direct staff to draft a resolution dedicating Lots 3 and 4 as open space.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, and unanimously approved by a roll call vote to direct staff to exercise Option 1 (solicit bids from real estate brokers for the sale of Bishop Road properties, with conditions).

Council concurred not to move forward with any action on the Marsten Avenue properties at this time.

Discussion ensued regarding the pending Closed Session. Councilmembers Feierbach and Warden expressed a desire not to hold the Closed Session. Councilmember Braunstein and Mayor Wozniak stated that they wished to hold the Closed Session. Councilmember Lieberman stated that he would be unable to continue teleconferencing due to the lateness of the hour.

(At this time, being 9:55 P.M., Councilmember Lieberman discontinued attending the meeting via teleconference.)

RECESS: 9:55 P.M.

RECONVENE: 10:10 P.M.

Resolution of the City Council Supporting a Joint Traffic Study with the Sequoia High School District, San Carlos School District and the City of San Carlos and Authorizing the Expenditure of \$15,000 for the Study

Public Works Director Oskoui stated that the Sequoia Union High School District, the San Carlos School District, and the City of San Carlos were requesting that the City of Belmont partner with them for a joint traffic study for the area adjacent to Carlmont High School and Tierra Linda Middle School. He pointed out that Carlmont High School and Tierra Linda Middle School have expansion plans, and the traffic study could address existing traffic issues.

Councilmember Feierbach pointed out that there is an issue regarding the timing of the traffic light at Club Drive.

Mayor Wozniak expressed concerns regarding the scope of services. She stated that the traffic study should include other modes of transportation besides cars, and she pointed out the need for options and to focus on connections to Ralston Avenue.

Public Works Director Oskoui stated that the scope of services as proposed is a draft, and the final contract would be brought back for approval.

Mark Olbert, San Carlos City Council, stated that the City of San Carlos is ready to participate in this study and he expressed his desire that all four entities work together. He noted that data is needed before any determination is made regarding solutions. He expressed his desire not to push the traffic elsewhere.

Alan Sarver, Sequoia Union High School District Board of Trustees, stated that existing traffic issues were discussed during recent meetings about the lights on the field at Carlmont High School. He stated that a cooperative effort is needed. He pointed out that enrollment is increasing at the schools and there is a need to address traffic issues. He noted that the San Carlos School District may be in a position to offer land for an extra lane in exchange for a driveway cut onto Alameda de las Pulgas.

Gladwyn D'Souza, Belmont resident, stated that a comprehensive study regarding all modes of transportation is needed. He expressed concerns regarding the effect on Ralston Avenue.

Councilmember Warden expressed support for the proposal, and shared the concern regarding the effect on Ralston Avenue. He suggested that the scope be expanded to include El Verano Way. He pointed out that Alameda de las Pulgas is a significant arterial street.

Public Works Director Oskoui clarified that traffic from outside the area would be captured in the traffic study, and the results of the study could be used to help address other areas.

Councilmember Braunstein expressed concern regarding the low cost of the study such that it would not capture enough data. He does not want to approach this issue in a piecemeal fashion.

MEETING EXTENSION: At this time, being 10:30 p.m., Councilmember Feierbach made a motion, seconded by Councilmember Braunstein, to extend the meeting. No vote was taken.

Councilmember Warden expressed support for approving the additional cost necessary to expand the scope of services.

Discussion ensued regarding projected enrollment.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, Resolution 2013-033 Supporting a Joint Traffic Study with the Sequoia High School District, San Carlos School District and the City of San Carlos and Authorizing the Expenditure of \$15,000 for the Study, amended to expand the scope of services to include the study of all modes of transportation, was unanimously approved by a show of hands (4-0, Lieberman absent).

ACTION: On a motion by Councilmember Warden, seconded by Mayor Wozniak, and unanimously approved by a show of hands (4-0, Lieberman absent) to appoint Councilmembers Feierbach and Braunstein as City Council representatives to the Four Corners Committee to address this matter.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Mayor Warden stated that he would not be able to attend the South Bayside System Authority meeting as the alternate to Councilmember Lieberman.

Confirmation of City Council position regarding the Caltrain Modernization/California High Speed Rail (CHSR) Project

Community Development Director de Melo stated that Caltrain is moving forward with its modernization project. He stated that the City of Belmont has submitted letters to various entities in the past regarding the City's position on High Speed Rail, and staff is seeking direction regarding the reaffirmation of this position as it relates to the Caltrain project.

Mayor Wozniak reviewed the four guiding principles that were outlined in the previous letters, and Council concurred that those guiding principles still apply. Mayor Wozniak expressed concerns regarding the use of catenaries in the modernization project.

Discussion ensued regarding participation in an amicus brief regarding this matter.

Verbal Report from City Manager

City Manager Scoles stated that the annual Commission Appreciation Dinner was held the previous evening. He announced an upcoming Legislative Action Day in Sacramento, sponsored by the League of California Cities.

ADJOURNMENT to Closed Session at this time, being 10:50 P.M., to consider:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Government Code Section 54956.8

Property: APN 043-021-010 and 043-021-380

Agency negotiators: Greg Scoles, Scott Rennie

Negotiating parties: City of Belmont and Scott Piazza and Mary Piazza

Under negotiation: Price and terms of payment for sale of undeveloped City property adjoining Bishop Road.

Attended by: Councilmembers Wozniak, Braunstein, Feierbach, Warden, City Manager Scoles, City Attorney Rennie, Finance Director Fil, and Community Development Director de Melo. Councilmember Lieberman was absent and City Clerk Cook was excused from attending.

ADJOURNMENT to Open Session at this time, being 11:00 P.M.

REPORT ON CLOSED SESSION

City Manager Scoles announced that the City Council met in Closed Session to consider the offer that was made for City-owned property and it was determined that it is not consistent with the earlier discussion regarding the San Juan properties owned by the City. He noted that the offer was declined.

Perry Kennan, Belmont resident, requested information regarding the offer. City Attorney Rennie stated that the offer is a matter of public record.

ADJOURNMENT at this time, being 11:03 P.M.

Terri Cook

City Clerk

Meeting audio-recorded and videotaped (except Closed Session)